

are sealed, while the witnesses whose interest and feelings all perverted their testimony, are marshalled here against him with all their contradictions. He contended that the policeman had the right, and that it was his duty to stop the noise in Brown's house; nay, that it was his right and duty, if Brown's door had been closed, the noise going on of which the neighbors had complained, his right and duty to break open that door and enter the house. Had he not taken this view of his duty, and being unable to obtain entrance, after Allen Martin told him he could not sleep for the noise, the policeman had walked off, would he not have been dismissed the force before that morning's sun was three hours high?

But the State argued a man may beat a Chinese gong in his house all night until the stars go down and no officer dare arrest the disorder until he had first obtained a warrant. Where would offenders of this class be, he would ask, when the officer returned with his warrant? Mr. Poe contended that the testimony of Thos. Gill, the lumber pile witness, was at least as much entitled to credit as were the colored witnesses for the State. A white workingman deserves belief at least as much as a colored workman. Then, according to Thomas Gill, the dead man, Brown, did assault the officer on the street, and the law, as laid down by Blackstone, is that if an officer be assaulted or be resisted in the execution of his office, he may defend himself even to the point of taking life, and it is not the duty of the officer, as it is of a private person, to retreat as far as he can with safety. It was not a case of invasion of Brown's house, but of death occurring in a house lawfully entered in making a lawful arrest.

Mr. Poe read from other law books the definition of justifiable homicide, and among other cases that of an officer who kills a person who resists him in the execution of his duty, thinking his own life in danger; and he said McDonald is on trial as an officer. He argued that the circumstances were that when Brown was shot he had armed himself with a flat-iron from the closet, and the officer believed his life was in danger. He is entitled to acquittal if he so believed, though now it may be plain to the jury that this danger did not actually exist.

At the close of Mr. Poe's argument the court adjourned, at 3 o'clock P. M., until to-day.

While Mr. Poe was speaking with considerable animation on the theory that Brown had seized a flat-iron when in the closet, and it was then he was shot, a drunken man in the audience muttered a denial, but was promptly checked and put out by a bailiff.

The Cake-Walk Homicide.

ARGUMENTS FOR THE DEFENSE.

[Reported for the Baltimore Sun.]

The McDonald case in the Criminal Court was not concluded yesterday, Mr. Heinisler, for the defense, and Mr. Knott, for the State, having to speak to-day, which will close the case before the jury. McDonald is indicted for the murder of Daniel Brown, colored, last July, when McDonald was a policeman, and it is known as the cake-walk homicide. Messrs. Hambleton and Poe spoke for the defense yesterday, consuming all day.

The court room was crowded so that it was difficult for those concerned in the case to squeeze their persons through the compact mass. A larger number of those present yesterday than usual were colored people. The prisoner exhibited no change in his appearance, but his face had the same settled look of seriousness all the time.

REMARKS OF MR. HAMBLETON.

J. Douglas Hambleton made the first argument for the defense. He said the case presented a weighty question for the jury, for they knew not how soon in the mutations of human life one of them might have a brother, son, father or friend placed in that dock, appealing to the same principles of law invoked by the defense for their client in this case. The State of Maryland has placed weapons in the hands of the officers appointed to preserve the public order and protect the property and persons of citizens, and with its own consecrating authority has told those officers that those weapons are given them to aid them in emergencies to perform their duty. To these men, their courage, coolness and observance of their duties, do you, gentlemen of the jury, said he, owe the protection which your property and families have enjoyed, and the security of property and the peaceableness of every respectable household in the city are tributes to their vigilance. The police force are entitled to the peculiar protection of the law. Pause before you paralyze it. The jury are to try this prisoner as a man as well as an officer, having the qualities, the feelings and the impulses of a human being. The prosecuting counsel who has spoken told the jury they should find the accused guilty of murder premeditated, perpetrated with malice pre-pense. But the evidence shows that McDonald, so far from going to the house with a murderous purpose, had performed his duty of restraining the noise and turned away, when an insulting epithet, hurled at him from the door, caused him to stop. If the position of the State is correct, that no mere words of insult or aggravation justify arrest by an officer, then the worst ruffian in the city can follow an officer with curses from street to street without being arrested.

He closed with a tribute to the police, and said that when in the discharge of his duty he happens to take life, give him the benefit of every doubt and every emotion of mercy. Recollect how often he perils life and goes with wounds for the law; how often at fires in the night, in contact with the pestilence by noonday, he exhibits the courage of a hero and the fortitude of a martyr. Not only does he assert the majesty of the law in the midst of ruffianism in the interest of the public peace, but the heart of many a mother, wife and sister has been touched in its quiet depth by the kindness and sympathy shown to an unfortunate son, husband or brother overtaken in drink and helpless to reach his home without the aiding hand and friendly arm.

REMARKS OF MR. POE.

Mr. Poe said that this was a question of life or death, of liberty or imprisonment, and that the counsel felt an interest in it scarcely less impressive than the jury. The prisoner's lips